UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,677	06/29/2001	Corey D. Gough	2207/11232	6881

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EXAMINER
PATEL, NIKETA I

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2182	6

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No. 09/895,677	Applicant(s) GOUGH, COREY D.
	Examiner Niketa I. Patel	Art Unit 2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 September 2003*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14 and 16-31* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14 and 16-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 June 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Drawings

1.   The drawings are objected to because Figure 1 and 3 show that the memory (figure 1 -

element 113; figure 3 – element 313) is part of the clipboard (figure 1 - element 112; figure 3 –

element 312), however the claim language suggests that the clipboard is part of the memory. A

proposed drawing correction or corrected drawings are required in reply to the Office action to

avoid abandonment of the application. The objection to the drawings will not be held in

abeyance.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 14, 18-26 and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by

Holden U.S. Patent Number: 5,583,861 (hereinafter referred to as *"Holden".*)

4.   **Referring to claim 14,** *Holden* teaches a method of transferring data from a selected

computer to any one of a plurality of computers comprising: accepting a first user command to

transfer the data from the selected computer [see column 4 – lines 38-55; column 5 – lines 5-15];

transferring the data to a clipboard on a memory in a switching system [see column 5 – lines 57-

67, 'cell buffer pool'; column 6 – lines 1-17]; and accepting a second user command to transfer

the data from the clipboard on the memory to the any one of the plurality of computers [see

column 1 – lines 40-67, 'request data to be resent'.]

5.   **Referring to claim 18,** *Holden* teaches that the first user command is a copy command

[see column 4 – lines 38-55; column 5 – lines 5-15, 57-67; column 6 – lines 1-17.]

6.   **Referring to claim 19,** *Holden* teaches that the first user command is a cut command

[see column 4 – lines 38-55; column 5 – lines 5-15, 57-67; column 6 – lines 1-17.]

7.   **Referring to claim 20,** *Holden* teaches that the second user command is a paste

command [see column 4 – lines 38-55; column 5 – lines 5-15, 57-67; column 6 – lines 1-17.]

8.   **Referring to claim 21,** *Holden* teaches a system for transferring data, comprising: a

switching system including a memory; a first computer coupled to the switching system [see

column 4 – lines 38-55; column 5 – lines 5-15]; a second computer coupled to the switching

system [see column 4 – lines 38-55; column 5 – lines 5-15]; and a peripheral device coupled to

the switching system, the peripheral device capable of accepting commands to transfer the data

from the first computer to the second computer [see column 5 – lines 57-67, 'cell buffer pool';

column 6 – lines 1-17]

9.   **Referring to claim 22,** *Holden* teaches that the peripheral device accepts the commands

for execution on one of the first computer and the second computer [see column 4 – lines 38-55;

column 5 – lines 5-15, 57-67; column 6 – lines 1-17.]

10.   **Referring to claim 23,** *Holden* teaches that the memory on the switching system includes

a clipboard and the commands to transfer the data include a first command to transfer the data

from the first computer to the clipboard in the memory on the switching system [see column 4 –

lines 38-55; column 5 – lines 5-15, 57-67; column 6 – lines 1-17.]

11.   **Referring to claim 24**, *Holden* teaches that the peripheral device is capable of accepting

a second command to switch the peripheral device from accepting the commands for execution

on the first computer to accepting the commands for execution on the second computer [see

column 4 – lines 38-55; column 5 – lines 5-15, 57-67; column 6 – lines 1-17; column 1 – lines

40-67, 'request data to be resent'.]

12.   **Referring to claim 25**, *Holden* teaches that the commands to transfer the data include a

third command to transfer the data from the clipboard in the memory on the switching system to

the second computer [see column 4 – lines 38-55; column 5 – lines 5-15, 57-67; column 6 – lines

1-17; column 1 – lines 40-67, 'request data to be resent'.]

13.   **Referring to claim 26**, *Holden* teaches an article comprising a machine-accessible

medium having stored thereon instructions that, when executed by a machine, cause the machine

to transfer data from a selected computer to any one of a plurality of computers by: accepting a

first user command to transfer the data from the selected computer [see column 4 – lines 38-55;

column 5 – lines 5-15]; transferring the data to a clipboard on a memory in a switching system

[see column 5 – lines 57-67, 'cell buffer pool'; column 6 – lines 1-17]; and accepting a second

user command to transfer the data from the clipboard on the memory to the any one of the

plurality of computers [see column 1 – lines 40-67, 'request data to be resent'.]

14.   **Referring to claim 29**, *Holden* teaches that the first user command is a copy command

[see column 4 – lines 38-55; column 5 – lines 5-15, 57-67; column 6 – lines 1-17.]

15.   **Referring to claim 30**, *Holden* teaches that the first user command is a cut command

[see column 4 – lines 38-55; column 5 – lines 5-15, 57-67; column 6 – lines 1-17.]

16.   **Referring to claim 31,** *Holden* teaches that the second user command is a paste

command [see column 4 – lines 38-55; column 5 – lines 5-15, 57-67; column 6 – lines 1-17.]

Claim Rejections - 35 USC § 103

17.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

18.   Claims 16-17 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Holden U.S. Patent Number: 5,583,861 (hereinafter referred to as "*Holden*") as applied to claims

14, 21 and 26 above, and further in view of Ganesh et al. U.S. Patent Number: 6,347,087

(hereinafter referred to as "*Ganesh*".)

19.   **Referring to claim 16-17 and 27-28,** *Holden* teaches of transferring data from a selected

computer to any one of a plurality of computers [see *Holden* column 4 – lines 38-55; column 5 –

lines 5-15] however, fails to set forth the limitation of further accepting a third command to

switch from the selected computer to the any one of the plurality of computers, wherein the third

command is a request to transfer the data from the clipboard to the any one of the plurality of the

computers. *Ganesh* teaches a third command to switch from the selected computer to the any one

of the plurality of computers, wherein the third command is a request to transfer the data from

the clipboard to the any one of the plurality of the computers [see *Ganesh* column 6 – lines 38-

57], resulting in an improved method and means for routing, switching and filtering frames based

on information derived from the contents of some or various parts of the frame, not limited to

destination addresses.

One of ordinary skill in the art at the time of applicant's invention would have clearly

recognized that it is quite advantageous for the switching system of *Ganesh* to have a fast

contents based data routing system, to allow a user to rout data based on the contents of the data

frame not just the destination address. It is for this reason that one of ordinary skill in the art

would have been motivated to implement *Ganesh's* switching system with a contents based data

routing system which allow a user to rout data based on the contents of the data frame not just

the destination address to improve the switching system performance.

Response to Arguments

20.   Applicant's arguments with respect to claims 1-16 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

21.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Niketa I. Patel whose telephone number is (703) 305 4893. The

examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A. Gaffin can be reached on (703) 308 3301. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305 3900.

NP
11/19/2003

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